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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) No. 3:11-cr-71143-MAG
Plaintiff,)
v.)
DELFINO MORA-RIVERA,)
Defendant.)

[PROPOSED] ORDER AND
STIPULATION FOR CONTINUANCE
FROM DECEMBER 23, 2011 TO
JANUARY 17, 2012 AND EXCLUDING
TIME FROM THE SPEEDY TRIAL ACT
CALCULATION (18 U.S.C. §
3161(h)(8)(A)) AND WAIVING TIME
LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of January 17, 2012 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from December 23, 2011 to January 17, 2012. The parties agree, and the Court finds and holds, as follows:

1. The defendant is currently in custody.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. (h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for preliminary hearing.

4. Counsel for the defense believes that postponing the preliminary hearing is in his client's best interest, and that it is not in his client's interest for the United States to indict the case during the normal 14-day timeline established in Rule 5.1.

5. The Court finds that, taking into the account the public interest in the prompt disposition of criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances, the Court finds that the ends of justice served by excluding the period from December 23, 2011 to January 17, 2012, outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary hearing date before the duty magistrate judge on January 17, 2012, at 9:30 a.m., and (2) orders that the period from December 23, 2011 to January 17, 2012, be excluded from the time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED:

DATED: December 29, 2011

/s
STEVEN KALAR
Attorney for Defendant

DATED: December 29, 2011

/s
AARON D. WEGNER
Assistant United States Attorney

IT IS SO ORDERED.

DATED: Dec 30, 2011

HON. ELIZABETH D. LAPORTE
United States Magistrate Judge